

**EIGHTY-SIXTH GENERAL ASSEMBLY
2015 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

APRIL 23, 2015

HOUSE FILE 229

H-1246

1 Amend the Senate amendment, H-1215, to House File
2 229, as amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, after line 2 by inserting:
5 <____. Page 1, by striking lines 1 through 4.>
6 2. Page 1, by striking lines 6 through 9 and
7 inserting <purchased, except that in connection with
8 the sale of a buying club membership transacted through
9 the internet by a company primarily engaged in the
10 sale of goods through the internet, section 555A.4,
11 subsections 1 and 3 shall not apply. In>
12 3. By renumbering as necessary.

By KAUFMANN of Cedar

H-1246 FILED APRIL 22, 2015

HOUSE FILE 614

H-1247

1 Amend House File 614 as follows:
2 1. Page 1, before line 1 by inserting:
3 <DIVISION I
4 FIREWORKS REGULATION>
5 2. Page 6, line 9, by striking <resolution suspend>
6 and inserting <ordinance or resolution prohibit>
7 3. Page 6, lines 10 and 11, by striking <727.2, if
8 the board determines that the use of such devices would
9 constitute a threat to public safety> and inserting
10 <727.2>
11 4. Page 6, line 18, by striking <resolution
12 suspend> and inserting <ordinance or resolution
13 prohibit>
14 5. Page 6, by striking lines 20 through 22 and
15 inserting <novelties, as described in section 727.2.>
16 6. Page 8, line 10, by striking <suspended by a
17 resolution> and inserting <prohibited or limited by an
18 ordinance>
19 7. Page 8, lines 30 and 31, by striking <suspended
20 by a resolution> and inserting <prohibited or limited
21 by an ordinance>
22 8. Page 10, line 4, after <This> by inserting
23 <division of this>
24 9. Page 10, after line 5 by inserting:
25 <DIVISION II
26 RULEMAKING
27 Sec. _____. EMERGENCY RULES. The state fire
28 marshal shall adopt emergency rules under section
29 17A.5, subsection 2, paragraph "b", to facilitate the
30 implementation and administration of this Act.
31 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
32 of this Act, being deemed of immediate importance,
33 takes effect upon enactment.>
34 10. Title page, line 2, by striking <and providing
35 penalties> and inserting <, providing penalties, and
36 including effective date provisions>
37 11. By renumbering as necessary.

By WINDSCHITL of Harrison

H-1247 FILED APRIL 22, 2015

SENATE FILE 449

H-1248

1 Amend the amendment, H-1188, to Senate File 449, as
2 passed by the Senate, as follows:

3 1. Page 1, line 26, by striking <that> and
4 inserting <located in a county with a population of
5 greater than nine thousand two hundred fifty but less
6 than nine thousand three hundred, according to the 2010
7 federal decennial census, which property>

8 2. Page 2, by striking lines 6 through 26 and
9 inserting:

10 <Sec. _____. Section 6A.22, subsection 2, paragraph
11 c, subparagraph (1), Code 2015, is amended by adding
12 the following new subparagraph division:

13 NEW SUBPARAGRAPH DIVISION. (0b) For condemnation
14 of property located in a county with a population
15 of greater than nine thousand two hundred fifty but
16 less than nine thousand three hundred, according to
17 the 2010 federal decennial census, prior to making
18 a determination that development or creation of a
19 lake as a surface drinking water source is reasonable
20 and necessary, the acquiring agency shall conduct a
21 review of feasible alternatives to development or
22 creation of a lake as a surface drinking water source.
23 An acquiring agency shall not have the authority
24 to condemn private property for the development or
25 creation of a lake as a surface drinking water source
26 if one or more feasible alternatives to provision of
27 a drinking water source exist. An alternative that
28 results in the physical expansion of an existing
29 drinking water source is presumed to be a feasible
30 alternative to development or creation of a lake as
31 a surface drinking water source. An alternative that
32 supplies drinking water by pipeline or other method of
33 transportation or transmission from an existing source
34 located within or outside this state at a reasonable
35 cost is a feasible alternative to development or
36 creation of a lake as a surface drinking water source.
37 If private property is to be condemned for development
38 or creation of a lake, only that number of acres
39 justified as necessary for a surface drinking water
40 source, and not otherwise acquired, may be condemned.
41 Development or creation of a lake as a surface drinking
42 water source includes all of the following:

43 (i) Construction of the dam, including sites for
44 suitable borrow material and the auxiliary spillway.

45 (ii) The water supply pool.

46 (iii) The sediment pool.

47 (iv) The flood control pool.

48 (v) The floodwater retarding pool.

49 (vi) The surrounding area upstream of the dam
50 no higher in elevation than the top of the dam's

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1 elevation.

2 (vii) The appropriate setback distance required
3 by state or federal laws and regulations to protect
4 drinking water supply.>

5 3. Page 2, before line 27 by inserting:

6 <Sec. _____. Section 6A.24, subsection 3, Code 2015,
7 is amended to read as follows:

8 3. For any action brought under this section,
9 the burden of proof shall be on the acquiring agency
10 to prove by a preponderance of the evidence that
11 the finding of public use, public purpose, or public
12 improvement meets the definition of those terms.
13 However, for any action brought under this section
14 that involves property described in section 6A.22,
15 subsection 2, paragraph "c", subparagraph (1),
16 subparagraph division (0b), the burden of proof shall
17 be on the acquiring agency to prove by clear and
18 convincing evidence that no feasible alternatives
19 to provision of a drinking water source exist. If a
20 property owner or a contract purchaser of record or a
21 tenant occupying the property under a recorded lease
22 prevails in an action brought under this section, the
23 acquiring agency shall be required to pay the costs,
24 including reasonable attorney fees, of the adverse
25 party.>

26 4. Page 2, line 48, after <subparagraph (1),> by
27 inserting <subparagraph division (0b),>

28 5. By renumbering as necessary.

By KAUFMANN of Cedar